

House Bill 386 (AS PASSED HOUSE AND SENATE)

By: Representatives Lane of the 167th and Willard of the 49th

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, so as to change sunset dates for real estate or personal property filing fees; to provide for additional filing fees for recording an instrument that requires cross-indexing to other previously recorded documents; to provide for additional filing fees for recording an instrument that cancels, satisfies, or releases certain liens; to require that clerks perform certain functions with regard to lien cancellations or requests for cross-indexing; to provide for recording by electronic means; to change a sunset date relating to collection and remittance of real estate or personal property filing fees; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, is amended by revising the introductory language of subsections (f) and (f.1) of Code Section 15-6-77, relating to fees and construction of fee provisions, as follows:

"(f) Until July 1, ~~2012~~ 2014, sums for filing documents, instruments, etc., pertaining to real estate or personal property, such sums to include recording and returning where applicable, shall be as follows:"

"(f.1) On and after July 1, ~~2012~~ 2014, sums for filing documents, instruments, etc., pertaining to real estate or personal property, such sums to include recording and returning where applicable, shall be as follows:"

SECTION 2.

Said article is further amended by revising Code Section 15-6-77, relating to fees and construction of other fee provisions, by adding a new subsection to read as follows:

"(o) In addition to the fees required by this Code section:

(1) With respect to any instrument that is statutorily required to be cross-indexed, cancelled, satisfied, or released or when a party requests the clerk to cross-index a instrument that is not otherwise required by law to be cross-indexed to any other previously recorded or affected document, the clerk of superior court shall charge an additional fee of \$2.00 for each additional cross-index entry;

(2) For recording any instrument that includes a request for cancellation, satisfaction, or release of more than one instrument as described in division (f)(1)(A)(i) of this Code section, the filing fee specified in division (f)(1)(A)(i) of this Code section shall be charged for each such instrument which is to be cancelled, satisfied, or released;

(3) For recording any instrument that includes a request for cancellation, satisfaction, or release of more than one instrument as described in division (f)(1)(A)(ii) of this Code section, the filing fee specified in division (f)(1)(A)(ii) of this Code section shall be charged for each such instrument which is to be cancelled, satisfied, or released;

(4) With respect to any instrument that includes a request for the clerk to cross-index the instrument to a previously recorded or affected instrument but for which cross-indexing is not otherwise required by law, the clerk shall file, index, record, and cross-index each such instrument for which a request has been made upon receiving payment from the requesting party as specified by paragraph (1) of this subsection and written information specifying accurately the instrument to be cross-indexed;

(5) With respect to any instrument that includes a request for cancellation, satisfaction, or release of any instrument described in division (f)(1)(A)(i) or (f)(1)(A)(ii) of this Code section, the clerk shall file, index, and record the cancellation of each such instrument identified and requested to be cancelled provided that the requesting party pays the filing fee specified by paragraph (2) or (3) of this subsection, as applicable, and that such instrument accurately identifies the recording information for such instrument to be cancelled, satisfied, or released; and

(6) For the purposes of this subsection and any other Code section requiring the clerk of superior court to cross-index, cross-reference, or make any other notation affecting any instrument filed in the clerk's office, including, but not limited to, real estate, personal property, liens, plats, and any other instruments, the clerk shall be authorized to make such entry or notation through electronic or automated means in lieu of entering such information manually in paper books or dockets."

SECTION 3.

Said article is further amended by revising subsection (c) of Code Section 15-6-97, relating to development and implementation of the state-wide uniform automated information system, as follows:

2 SECTION 4.

5 “(d) This Code section shall be repealed in its entirety on July 1, ~~2012~~ 2014.”

6 SECTION 5.

7 All laws and parts of laws in conflict with this Act are repealed.